

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARLON CASTRO, OCTAVIO RANGEL,
MARTIN VASQUEZ, ALFREDO MARTINEZ,
RODOLFO MENDEZ, GERARDO ANGULO, JUAN
MARTINEZ, JOSE CERVANTES, SERGIO
SANCHEZ, ISRAEL SANCHEZ, MARTINE PEREZ,
GUILLERMO MENDOZA, OMAR CASTILLO, and
AMANDO MARTINEZ, individually and on behalf
of others similarly situated,

ECF Case

07 CV 4657

Plaintiffs,

-against-

NOTICE OF MOTION

SPICE PLACE, INC., SPICE AVE., INC.,
BANGKOK PALACE II, INC., SPICE CITY, INC.,
SPICE WEST, INC., KITLEN MANAGEMENT,
KITTIGRON LIRTPANARUK, and YONGYUT
LIMLEARTVATE,

Defendants.

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PLEASE TAKE NOTICE, that, upon the annexed affidavit of Peter G. Eikenberry, sworn to on May 21, 2008, and all prior pleadings and proceedings had herein, plaintiffs shall move this Court before the Honorable Robert Sweet, District Judge, Southern District of New York, 500 Pearl Street, New York, New York, at such time as is determined by the Court, for an order granting plaintiffs' motion to:

- (1) proceed as a collective action pursuant to Section 216(b) of the Federal Labor Standards Act of 1978, 29 U.S.C. § 216(b),
- (2) for leave to circulate a notice of pendency and consent to join under FLSA 216(b) to all employees currently or formerly employed by Spice,

- (3) to compel Spice to furnish contact information of the prospective individual employees in the proposed collective action, so as to facilitate distribution of the notice of pendency, and consent to join, and
- (4) for class certification pursuant to Rule 23 of the Federal Rules of Civil Procedure.

May 21, 2008



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